

# **EXHIBIT 4**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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WAYMO LLC, )  
 )  
Plaintiff, )  
 )  
vs. ) Case No.  
 )  
UBER TECHNOLOGIES, INC.; ) 17-cv-00939-WHA  
 )  
OTTOMOTTO, LLC; OTTO TRUCKING LLC, )  
 )  
Defendants. )  
 )  

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HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF ERIC FRIEDBERG

New York, New York

Thursday, September 28, 2017

Volume I

Reported by:

DANIELLE GRANT

Job No. 2714978

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1 retained Google confidential information  
2 after they left Google. And those exhibits  
3 speak to those issues.

4 Q When you were retained to  
5 conduct this investigation, did you have  
6 reason to believe that -- well, strike that.

7 Who were you retained by to  
8 conduct this investigation?

9 A Counsel for Uber and counsel  
10 for Ottomotto.

11 Q And who were the law firms?

12 A Morrison and Foerster, and  
13 O'Melveny & Myers.

14 Q And your understanding is that  
15 you were retained by counsel and not Uber and  
16 Ottomotto themselves?

17 A I think the clients as set  
18 forth in the engagement letter are the  
19 outside counsel accounting on behalf of their  
20 respective corporate clients.

21 Q So in conducting the  
22 investigation, was your understanding that  
23 outside counsel was the client or that Uber  
24 and Ottomotto were the clients?

25 A The way we structure our

1 engagement letters in general, and as in this  
2 case, our clients were the outside counsel  
3 acting on behalf of their corporate clients  
4 in order to give their corporate clients  
5 legal advice.

6 Q And this is a joint retention  
7 by O'Melveny & Myers and Morrison and  
8 Foerster?

9 A Yes, sir.

10 Q When you were retained to  
11 conduct the investigation you described  
12 earlier, were you told that Morrison and  
13 Foerster and O'Melveny and Myers had reason  
14 to believe, for example, that the diligence  
15 employees had improperly retained Google  
16 information after they left Google?

17 A No.

18 Q Did you have any understanding  
19 at all as to why they were conducting this  
20 investigation?

21 A My understanding was that they  
22 wanted to perform diligence before the  
23 diligence employees either came to Ottomotto  
24 or were potentially acquired by Uber into  
25 whether or not the diligence employees had

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

CERTIFICATE

STATE OF NEW YORK )

) ss:

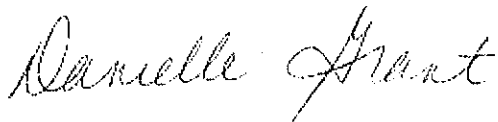
COUNTY OF RICHMOND)

I, DANIELLE GRANT, a Certified Shorthand Reporter, and Notary Public within and for the State of New York, do hereby certify:

That ERIC FRIEDBERG, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

In witness whereof, I have hereunto set my hand this 2nd day of October, 2017.



DANIELLE GRANT